HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.R. No.5632 of 2006
Date of decision : 12.02.2007

M/s Darbar Exports Pvt. Ltd. & anr. .....Petitioners

versus

Canara Bank and others .....Respondents

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present : Mr.Amit Jaiswal, Advocate for the petitioners.
Ms.Kanchan Sehgal, Advocate for the respondents.

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ORDER

HEMANT GUPTA, J.

The challenge in the present revision petition is to the order dated 8.9.2006 passed by the learned trial Court, whereby an application for setting aside of ex-parte proceedings initiated against the petitioner in the proceedings for preparation of the final decree was dismissed.

A preliminary decree in a suit for recovery of sale of the mortgage property was passed on 5.10.1999. Thereafter, the Bank has filed an application for preparation of the final decree in which the defendant-petitioner was proceeded ex-parte on 19.1.2006. An application for setting aside the said ex-parte proceedings was filed on 26.4.2006, which has been dismissed by the learned trial Court.

A perusal of the aforesaid proceedings leaves no manner of doubt that the petitioner wants to delay the preparation of the final decree by adopting dilatory tactics, as the proceedings for the final decree are pending for the last more than 7 years. However, in the interest of justice,

petitioner is permitted to participate in the proceedings for preparation of the final decree. But the learned trial Court shall conclude the proceedings for preparation of the final decree within one month from the date fixed before the learned trial Court.

The revision petition stands disposed of.

(HEMANT GUPTA)
JUDGE

February 12, 2007
**mohinder*